

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KENTRELL D. WELCH,

Plaintiff,

v.

DEWAYNE WILSON, et al.,

Defendants.

Case No.: 2:24-cv-00460-RFB-NJK

ORDER

(Docket No. 1)

On March 7, 2024, *pro se* plaintiff Kentrell D. Welch, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. Docket Nos. 1, 1-1. Plaintiff's application to proceed *in forma pauperis* is incomplete because the financial certificate that he filed is dated June 30, 2023, and the six-month trust fund account statement that he filed is from September 21, 2022, through March 20, 2023. Docket No. 1 at 5-6. These documents are more than eight months out of date. Plaintiff must submit an up-to-date financial certificate and six-month trust fund account statement.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. *See* 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by

1 both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust**
2 **fund account statement for the previous six-month period.** *See* 28 U.S.C. § 1915(a)(1)–(2);
3 LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the
4 filing fee, it just means that the inmate can pay the fee in installments. *See* 28 U.S.C. § 1915(b).

5 Accordingly, for the reasons stated above,

6 IT IS ORDERED that the application to proceed *in forma pauperis*, Docket No. 1, is
7 **DENIED** without prejudice.

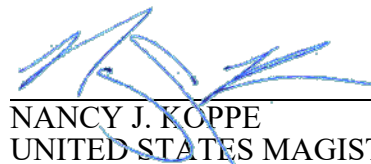
8 IT IS FURTHER ORDERED that, no later than **May 13, 2024**, Plaintiff must either pay
9 the full \$405 filing fee or file a new fully complete application to proceed *in forma pauperis* with
10 an up-to-date financial certificate and copy of the Plaintiff's trust fund account statement for the
11 previous six-month period.

12 IT IS FURTHER ORDERED that, if Plaintiff fails to timely comply with this order, this
13 action will be subject to dismissal without prejudice. A dismissal without prejudice allows
14 Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a
15 complete application to proceed *in forma pauperis* or pay the required filing fee.

16 The Clerk of the Court is **INSTRUCTED** to send Plaintiff Kentrell D. Welch the approved
17 form application to proceed *in forma pauperis* for an inmate and instructions for the same and
18 retain the complaint, Docket No. 1-1, but not file it at this time.

19 IT IS SO ORDERED.

20 DATED: March 12, 2024.

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24 NANCY J. KOPPE
25 UNITED STATES MAGISTRATE JUDGE
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